



RICHARD J. CODEY
ACTING GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.
ACTING COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
MARCH 23, 2005**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

DATE: February 25, 2005

TO: Rolando Torres, Jr., Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF CORRECTIONS/JUVENILE JUSTICE COMMISSION

The Department of Corrections recently received approval for the creation of the title of Classification Officer Apprentice to address recruitment difficulties at the entry level of the Classification Officer series. The Department presently requests permission to establish a new title to classify staff functioning as supervisors in this same series. The title will be made available for use to the requesting Department and the Juvenile Justice Commission.

All levels in the existing series are assigned to the professional bargaining unit of CWA. There is currently no level for staff to gain supervisory experience, making progression to the highest level virtually impossible. The Department is willing to forfeit a title in exchange for this request.

The appropriate negotiations representatives have been notified. The Office of Employee Relations has reviewed and confirmed assignment of the bargaining unit.

ESTABLISHMENT OF TITLE

Effective: 11/13/04

Supervising Classification Officer
R29-_____ Career * NL/12

TITLE INACTIVATION

Effective: 02/05/05

Classification Officer 4
M29-61385 Career * NL/12

TO: Rolando Torres Jr. Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs requests the restructuring of the Inspector, Multiple Dwelling title series.

The Department's administrative code was amended to require various licenses for all levels of multiple dwelling inspectors, effective July 1, 2004. The restructuring involves the renaming of levels of the existing title series, the creation of one new title, the establishment of a two-year Apprentice title to accommodate the license requirement at the entry level, the cross-walk of incumbents in entry and senior level titles to their new levels with retention of existing status, and one bargaining unit change. One title will be eliminated.

The above actions will permit the Department to appoint licensed Apprentice candidates, and provide them with a sufficient amount of time to obtain the level of licensure necessary to move into the primary title.

The appropriate negotiations have been notified and support this request. The Office of Employee Relations has reviewed and confirmed the assignment and change of bargaining units.

ESTABLISHMENT OF NEW TITLE

Effective: 10/16/04

Inspector 2, Multiple Dwelling
I22-_____ Career S NE/12

TITLE VERBIAGE AND BARGAINING UNIT CHANGE

Effective: 10/16/04

<u>FROM:</u>	<u>TO:</u>
Inspector, Multiple Dwelling	<u>Apprentice</u> Inspector, Multiple
Dwelling	
I16-55472 Career S NE/12	I16-55472 Career S NE/12

R. Torres, Jr.
March 2, 2005
Page 2

Senior Inspector, Multiple Dwelling
I19-55473 Career S NE/12

Inspector 3, Multiple Dwelling
I19-55473 Career S NE/12

Supervisor of Code Inspections
S27-32202 Career S NL/12

Inspector 1, Multiple Dwelling
R27-32202 Career S NL/12

TITLE ELIMINATION

Effective: 10/16/04

Principal Inspector, Multiple Dwelling
R22-55474 Career S NE/12

DATE: March 15, 2005

TO: Rolando Torres Jr., Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resources Management

SUBJECT: Change in the State Classification Plan

GENERAL TITLE

Rowan University has requested classification of a position responsible for sign production.

After review of the duties questionnaire, the local title of Sign Maker 2 has been found most appropriate. The comparable state titles have very specialized duties primarily involving highway signs installed by the Department of Transportation. The position to be classified is responsible for the creation and installation of signs other than those used on a highway. In order to enable a state agency to be able to use title, we recommend the title be made common. We request the entry level title also be made general to provide a career path.

The workweek and Class Code of both the titles are requested to coincide with the workweek of other titles with similar requirements. The office of Employee Relations has assigned the C bargaining unit (Crafts Unit (IFPTE)). The title should be made available for general use.

Appropriate notice of this proposal has been provided to the affected negotiations representative.

Establishment of Common title:

Effective Date:10/30/04

From:
Sign Maker 2
03705 Competitive, Local

To:
Sign Maker 2
C14 – 03705 Competitive * 40/12

From:
Sign Maker 1
03706 Competitive, Local

To:
Sign Maker 1
C12 – 03706 Competitive * 40/12

DATE: March 11, 2005

TO: Rolando Torres, Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection requests the restructuring of the Ranger title series. This restructuring involves the renaming of two levels in the series, a range change for three levels, the consolidation of two levels into a single level, the creation of one new title, and the elimination of a title.

Incumbents in the existing Chief Ranger 1 and 2 titles will move to the new Ranger Sergeant title, with retention of existing status. The Department intends to process this consolidation as a “no-pain, no-gain” transaction, in that incumbents will be slotted in to the new range at their current salary. Appointments to the new title of Ranger Lieutenant will be promotional pending exam procedures. Existing lists for the titles of Chief Ranger 1 and 2 will be cancelled.

The restructuring is requested to establish the chain of command recommended by the Attorney General’s Office for law enforcement personnel. Rangers are sworn law enforcement officers responsible for State laws and regulations, as well as those of the State Park Service, yet they must also develop other knowledge and skill areas involving the protection of forestry and wildlife. Rangers must complete training in an expanded number of areas related to law enforcement, environmental protection and homeland security.

These changes are with the advice and consent of the Human Resource Offices of the Departments of Personnel and Environmental Protection, the Office of the Attorney General and the appropriate negotiations representatives.

ESTABLISHMENT OF TITLE

Effective: 03-19-05

Ranger Lieutenant
J24-_____ Career M N4/12

Rolando Torres, Jr.
March 11, 2005
Page 2

CHANGE IN SALARY RANGE

Effective: 03-19-05

FROM:

Ranger
F16-32092 Career M 40/12
40/12

TO:

Ranger
F17-32092 Career M

NOTE: This range change will impact the Ranger Trainee Title.

TITLE CONSOLIDATION AND VERBIAGE CHANGE

Effective: 03-19-05

FROM:**Chief Ranger 2**

K19-32093 Career M 40/12
40/12

TO:**Ranger Sergeant**

K21-32094 Career M

AND

Chief Ranger 1

K21-32094 Career M 40/12

TITLE VERBIAGE AND SALARY RANGE CHANGES

Effective: 03-19-05

FROM:**Chief of Parks, Security Services
Enforcement**

MB28-02783 Career M N4/12
N4/12

TO:**Chief of Parks, Law**

MB29-02783 Career M

ELIMINATION OF TITLE

Effective: 03-19-05

Chief Ranger 2

K19-32093 Career M 40/12

DATE: March 3, 2005

TO: Merit System Board

FROM: Robin Andujar
Assistant Commissioner
State and Local Operations

SUBJECT: N.J.S.A. 11A:3-4(h). Confidential Appointment

Department of Labor

Mr. Donald M. Scarry appointed as Confidential Secretary effective January 10, 2005, salary of \$110,000.00 per annum. The position is assigned to the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

Verification has been made of the number of positions allocated and the number of persons holding Confidential Appointments in this agency and Commissioner Thomas D. Carver is authorized to make the subject appointment.

Recommendation: Record appointment in the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

The appointment of this Confidential Secretary does not exceed the entitlement authorized under N.J.S.A. 11A:3-4(h).

Replacing – Jodie Massimino

Vacant Position Number – 009844
Effective Date – August 30, 2004

DATE: March 3, 2005

TO: Merit System Board

FROM: Robin Andujar
Assistant Commissioner
State and Local Operations

SUBJECT: N.J.S.A. 11A:3-4(h). Confidential Appointment

Department of Health and Senior Services

Ms. Edna Bachman appointed as Confidential Secretary effective December 25, 2004, salary of \$50,000.00 per annum. The position is assigned to the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

Verification has been made of the number of positions allocated and the number of persons holding Confidential Appointments in this agency and Commissioner Dr. Fred Martin Jacobs is authorized to make the subject appointment.

Recommendation: Record appointment in the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

The appointment of this Confidential Secretary does not exceed the entitlement authorized under N.J.S.A. 11A:3-4(h).

Replacing – Vanessa Graham

Vacant Position Number – 009478

Effective Date – December 10, 2004

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Dean Downard
County of Camden
Department of Public Works
Suspension

In the Matter of Ralph D. Ellis
Township of Berkeley
Administrative Services
Suspension

In the Matter of Olufunmi Jinadu
County of Essex
Department of Health and Rehabilitation
Suspension

In the Matter of Harold Johnson
Township of Lawrence
Department of Public Safety
Suspension

In the Matter of Richard Kuhns
South Wood State Prison
Department of Corrections
Removal

In the Matter of Willie C. Sanders
East Jersey State Prison
Department of Corrections
Removal

In the Matter of James Stapleton
Township of Brick
Department of Public Works
Removal

In the Matter of April M. Van Daley
City of Somers Point
Department of Public Safety
Removal

In the Matter of Monica Wellington-Wilson
City of Hackensack
Police Department
Resignation not in good standing

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION:

A2 JUDITH ABEL-BISACQUINO

Judith Abel-Bisacquino, Human Services Specialist I, Cumberland County Board of Social Services, resignation not in good standing effective February 18, 2004, on the charge of being absent from duty for five or more consecutive business days without approval.

Recommendation of the Administrative Law Judge – Reverse the resignation not in good standing.

ACTION:

A-3 KEITH BLACK

Keith Black, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, resignation not in good standing effective January 30, 2004, on the charge of being absent from duty for five or more consecutive business days without approval.

Recommendation of the Administrative Law Judge – Uphold the resignation not in good standing.

ACTION:

A-4 CHARLES BORDEN

Charles Borden, Supervising Administrative Analyst, New Jersey State Parole Board, return to formerly held permanent title of Administrative Analyst 1 (Accounting) effective February 21, 2004 at the end of the working test period based on unsatisfactory performance.

Recommendation of the Administrative Law Judge – Uphold the return to formerly held permanent title at the end of the working test period.

ACTION:

A-5 ARTELLA RICHARDSON

Artella Richardson, Assistant Supervisor of Recreation, South Woods State Prison, Department of Corrections, removal effective September 11, 2003, on charges of conduct unbecoming a public employee and improper or unauthorized contact with inmates.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION:

A-6 VADIE WRIGHT (REMAND)

Vadie Wright, Occupational Safety Consultant 1, Department of Labor, removal effective March 8, 2002, on charges of conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 KIM CONOVER

Kim Conover, a Principal Clerk Transcriber with the Department of Corrections, represented by Tom Bruno, Staff Representative, Communications Workers of America Local 1040, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-2 THOMAS FRODELLA

Thomas Frodella, a former Senior Youth Worker with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-3 ROCHELLE GHEE

Rochelle Ghee, a Day Care Center Technician in the Office of Education, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-4 MARLENE KAMLER

Marlene Kamler, a Teacher 1, 12 Months with the Office of Education, Department of Human Services, represented by Bob Regan, Staff Representative, CWA Local 1037, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 SHANDA LA BERTH

Shanda LaBerth, a Human Services Assistant at Woodbridge Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 ROBERT LYNCH

Robert Lynch, a Human Services Assistant at Woodbridge Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 TARA MITCHELL

Tara Mitchell, a Human Services Assistant at Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-8 DAVID PETERSON

David Peterson, a Storekeeper 1 with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-9 KAREN SCHMEDES

Karen Schmedes, a Technician, MIS with the Division of Youth and Family Services, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-10 CHRISTINA JORDAN

Christina Jordan, a Senior Field Representative, Local Property Tax, Department of the Treasury, petitions the Merit System Board to extend the time period for the receipt of sick leave injury (SLI) benefits beyond the one year provided for in *N.J.A.C. 4A:6-1.6(b)3i*.

ACTION:

B-11 OKECHUKWA L. ANYANWU

Okechukwa L. Anyanwu appeals the determination of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Customer Service Representative (M0448E), City of Newark.

ACTION:

B-12 RICHARD BAILEY

Richard Bailey appeals the decision of Human Resource Information Services (HRIS) which found that the State Parole Board had presented a sufficient basis to remove the appellant's name from the Parole Officer Recruit (S2035E) eligible list due to an unsatisfactory background report.

ACTION:

B-13 PATRICK CASTELLANO

Patrick Castellano, represented by Brendan Egan, Esq., appeals the removal of his name from a certification for Fire Fighter (M2200D), Asbury Park City, on the basis of his failure to meet the residency requirement.

ACTION:

B-14 LILLIAN FOSTER

Lillian Foster appeals the decision of Human Resource Information Services (HRIS) which upheld the removal of her name from the Personnel Trainee (S6730E), Department of Personnel, eligible list due to an unsatisfactory employment record.

ACTION:

B-15 GERALD KIMBLE

Gerald Kimble, represented by George Daggett, Esq., appeals the decision of Human Resource Information Services (HRIS) which upheld the removal of his name from the Animal Control Officer (M9842C) and (M9993D), Township of Sparta, eligible lists on the basis that he failed to respond to the certification.

ACTION:

B-16 RAFAEL GOMEZ

Rafael Gomez, a Truck Driver, Single Axle with the Department of Transportation (DOT), appeals the determination of the Deputy Commissioner of the DOT, stating that the appellant had failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

ACTION:

B-17 MICHAEL GUARINO

Michael Guarino, a Recreation Center Director with the City of Elizabeth, represented by Michael A. Bukosky, Esq., petitions the Merit System Board (Board) for a stay of that portion of certain disciplinary action requiring that the petitioner attend anger management counseling and be transferred to a different job location pending the outcome of his appeal to the Board.

ACTION:

B-18 DONALD MATLOCK

Donald Matlock, a Laborer with the City of Trenton, represented by Patrick J. Whalen, Esq., appeals his indefinite suspension commencing on November 1, 1996.

ACTION:

B-19 WAYNE VARGA

Wayne Varga, a former Investigator 3, Taxation, with the Department of the Treasury, appeals his resignation in good standing effective April 8, 2004.

ACTION:

B-20 NEIL LAYDEN

The Department of Corrections, on behalf of Neil Layden, petitions the Merit System Board for a retroactive date of appointment to the title of Senior Investigator, Secured Facilities for seniority and record purposes.

ACTION:

B-21 LAURIE PYRCH

Laurie Pyrch, a Research Scientist 1 with the Department of Health and Senior Services, appeals the decision of the Division of Human Resource Information Services (HRIS) which determined that her salary was properly calculated under *N.J.A.C. 4A:3-4.9*.

ACTION:

B-22 EDRAS SUERO, ET AL

Edras Suero, Juan Gonzalez, and Edgardo Gonzalez, represented by Charles F. Szymanski, Esq., and the City of Newark, represented by Carolyn A. McIntosh, Assistant Corporation Counsel, petition the Merit System Board (Board) for reconsideration of the decisions of the Board in *In the Matter of Edras Suero* (MSB, decided May 8, 2001); *In the Matter of Juan Gonzalez* (MSB, decided on May 8, 2001); and *In the Matter of Edgardo Gonzalez* (MSB, decided on April 24, 2001) and to acknowledge the settlements as clarified.

ACTION:

B-23 RAQUEL MORTON

The appeal of Raquel Morton, a Police Officer with the City of Camden, of her removal effective December 17, 2003, on charges, was before Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on January 13, 2005, granting the appellant's motion for Summary Decision dismissing the charges. At its meeting on February 23, 2005, the Merit System Board did not adopt the ALJ's recommendation to dismiss the charges. Rather, the Board remanded the matter to the Office of Administrative Law for a hearing on the merits of the charges brought against the appellant on the May 8, 2003 Preliminary Notice of Disciplinary Action. The proposed decision is now submitted for the Board's review.

ACTION:

B-24 DENISE ADAMS, ET AL.

Denise Adams, Ebenezer Akinrolabu, Jay Davis, David Gardiner, Kelly Hofer, and Christopher Rakoczy appeal the determinations of the Division of Selection Services that found that they did not meet the experience or education and experience, requirements for the open competitive examination for Sales Representative 2, State Lottery (S6775F), Department of the Treasury.

ACTION:

B-25 ROBERT AUSTIN

Robert Austin appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open competitive examination for Principal Engineer, Mechanical (S6766F), Department of Transportation.

ACTION:

B-26 RONLAD S. BOHN, ET AL.

Ronald S. Bohn, Lawrence W. Craver, Ernest C. Scott, and Dominic Tedesco appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Assistant Engineer In Charge of Maintenance 2 (PS1564I), Department of Corrections.

ACTION:

B-27 ALEXANDER BOROVSKIS, ET AL.

Alexander Borovskis, Mahesh Desai, Andreas Parrella, Rajendra Patel, Priscilla Ukpah, and Richard Weber appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Project Engineer, Construction (PS3426T), Department of Transportation.

ACTION:

B-28 JOSEPH BUSCO AND STEVEN STANKOVITS

Joseph Busco and Steven Stankovits appeal the determinations of the Division of Selection Services which found that they did not meet the education and/or experience requirements for the Management Specialist (PC1488E), Middlesex County, promotional examination.

ACTION:

B-29 SUBHRA ROY AND JAMES FABREGAS

Subhra Roy and James Fabregas appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the open-competitive examination for MIS Coordinator (M4105F), City of Newark.

ACTION:

B-30 BRENDA SHEERIN

Brenda Sheerin appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Assistant 4, Employee Relations (PS1051K), Trenton Psychiatric Hospital.

ACTION:

B-31 DELORES STEVENSON

Delores Stevenson appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Technical Assistant, Contract Administration (PS1838I), Department of Corrections.

ACTION:

B-32 WILLIAM TYLER

William Tyler appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Supervisor of Mails (PS0246F), Department of Education.

ACTION:

B-33 KHANDMAA BATTAGLIA AND SUSAN STOLL

Khandmaa Battaglia and Susan Stoll appeal their scores on the open competitive examination for Auditor Accountant Trainee (S6709E), Department of the Treasury.

ACTION:

B-34 BOBBI BOGES

Bobbi Boges appeals the determination of the Division of Selection Services denying her request for make-up examinations for the promotional examinations for Instructor Counselor (PS2244P), Juvenile Justice Commission (JJC) and Instructor Counselor (PS6951P), JJC.

ACTION:

B-35 BARBARA CAUTHEN

Barbara Cauthen requests a make-up for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS1549H), Division of Addiction Services.

ACTION:

B-36 WAZIR HUSSAIN

Wazir Hussain requests a make-up for the promotional examination for Customer Service Representative 3 (PS1472P), Department of Law and Public Safety.

ACTION:

B-37 GREGORY POST

The Township of West Milford requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Gregory Post from the title of Sheriff's Officer, Passaic County Sheriff's Office, to the title of Police Officer, Township of West Milford.

ACTION:

B-38 RECENT COURT DECISIONS

Submitted for the Merit System Board's information are recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Wayne Paterno, Firefighter (M9059S), City of Newark* (Appellate Division decided 1/25/05); *In the Matter of Joseph Kent, Department of Public Works, Town of Morristown* (Appellate Division decided 1/28/05).

ACTION:

B-39 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of March 9, 2005 are submitted for adoption.

ACTION: